

Attorney Docket No: ADAM-046XX
Inventor(s): Michael Valentine Agrez et al.
Application No. 10/019,816
TC Art Unit: 1643/Examiner: Karen A. Canella
OA Date: 08/09/07/Resp. Date: 1/09/07

REMARKS

Claims 266-269 and 278 are cancelled herewith. Thus, claims 217-219, 221, 225, 238, 244, 272, 275 and 277 remain pending. The elements of claim 217 have been rearranged for clarity. Applicants submit that the limitations of claim 217 have not been modified from those in the previously submitted amendment. Dependent claims 218 and 219 have been amended solely for clarity. Claims 272 and 277 have been amended to remove dependencies on cancelled claims.

Applicants' cancellation or amendment of certain rejected claims is not to be construed as an admission that the Examiner's rejections were proper. The Applicants continue to believe that the rejected claims are described in and enabled by the specification as previously argued. The rejected claims have been amended or cancelled for the sole purpose of advancing the case to allowance. The Applicants reserve the right to file a continuing application to continue the prosecution of the rejected claims.

The Examiner's statement that the Applicants have not complied with one or more conditions for receiving the benefit of the claim of priority is acknowledged. However, this rejection is moot as the Examiner has not cited any prior art dated in the period following the claimed priority date and the filing date of the instant application.

Rejection under 35 USC § 112 for Lack of Enablement

A. As drawn to a method of treating cancer:

This rejection has been made moot as all claims specifically drawn to a method of treating cancer are no longer pending.

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B. As drawn to the direct interaction between the JNK or ERK MAP kinase families and integrin beta subunits:

This rejection is not understood as all claims had been amended in the previous response so as to be limited to cases wherein the MAP kinase is ERK2. Thus, Applicants submits that this rejection had previously been overcome. Nevertheless, in response to this rejection, Applicants have rearranged the element of claim 217 to overcome any possible clarity issues.

C. As drawn to modified polypeptides:

Examiner states that the specification fails to teach any structural correlation between retaining or varying the integrin binding domain sequence and the effect on binding to any ERK2. Again, Applicants submit that the Examiner has overlooked the requirement that the modified polypeptides must also bind to ERK2 MAP kinase and the long discussion of conservative substitutions in the specification beginning on p. 2. Those of ordinary skill know that conservative substitutions are those that do not substantially modify the activity of the original polypeptide and, therefore, must retain structural correlation with the original polypeptide. Furthermore, the Examiner's final paragraph of this rejection ignores the specific limitation that the recited MAP kinas IS ERK2.

D. As drawn to administration of polypetides in vivo:

Applicants submit that this rejections has been made moot as claims 266-269 are no longer pending. Nevertheless, the Applicants point out that the Agrez Declaration submitted with the previous response provided the appropriate evidence of delivery of

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polypeptide agents to the appropriate site and efficacious uptake of the agent by a tumor to result in the inhibition of cancer cells in a well-accepted mouse model for a human patient. Thus, this rejection has been overcome.

Rejection under 35 USC § 112 for Lack of Written Description Support

Claims 277 and 278 have been rejected for lack of written description support. Although Applicants submit that these claims as amended previously find support in the original claims as filed, Applicants have amended claim 277 as indicated and cancelled claim 278 for the sole purpose of advancing the claims to allowance. Thus, Applicants submit that this rejection has been overcome.

The Applicants submit that all claims in the application are in condition for allowance and such action is requested.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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